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09/885,797

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7590

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EXAMINER

LINNENKAMP, NICHOLAS L

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 05/19/2004

*10*

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/885,797

Applicant(s)

CAMPBELL ET AL.

Examiner

Nicholas L Linnenkamp

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed on page 2, paragraph 3, and page 3, paragraphs 1-3 have been fully considered but they are not persuasive. Applicant has not clearly set forth what is intended by the limitation of a fob, so examiner applied the common usage of the word. A fob is commonly defined as,

**fob** (fòb) *noun*

A small pocket at the front waistline of a man's trousers or in the front of a vest, used especially to hold a watch.

Thus a watch that goes into the fob pocket is called a fob watch, and a chain attached to the watch would be called a fob chain. The use of the word fob has come to include anything that is portable and can be placed in a pocket.

The prior art in Churtorash (U.S. 6,144,114) clearly shows a personal data assistant PDA for accomplishing the same task set forth by the applicant. PDA's are known to be small, handheld, and fit in pockets thus meeting all the limitations as set forth for fobs.

In addition, a change in size or shape of an object that does not provide an unforeseen advantage over the prior art does not constitute a new invention.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

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references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this Applicant has argued on page 3, paragraph 4, that Namba et al. (U.S. 5,884,249) is non-analogous art and that there could be no suggestion to combine any features with Churtorash. As set forth on page 5 of the rejection sent on 12/19/03 the examiner states that Churtorash teaches of using voice recognition software in a PDA but fails to detail how to accomplish such a task (Col 3, lines 19-25). Namba teaches more fully how to execute a routine for using voice recognition software through the use of a PDA. It is the commonalities of voice recognition software implemented in a PDA that make Namba analogous art with Churtorash.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Applicant has argued on page 4, paragraph 1, that Kikinis et al. (U.S. 5,835,732) is non-analogous art and that there could be no suggestion to combine any features with Churtorash. As set forth on page 7 of the rejection sent on 12/19/03 the examiner states that Churtorash

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teaches of a remote keyless entry system that uses a PDA (Col 1, lines 17-19), and Kikinis suggests the use of a PDA to open other movable barriers such as garage doors (Col 16, lines 2-6). It is clear from the commonality of the choice of equipment and the direction to lock/unlock/operate movable barriers makes both Kikinis and Churtorash analogous art.

***Claim Rejections - 35 USC § 102***

Claims 1-3, 9,13, 14, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Chutorash.

In reference to claim 1, Chutorash teaches of a remote keyless entry transmitter (74) for selectively controlling operation of at least one device comprising (devices to be controlled are 60, 68, 70):

- A microphone (46) mounted to the fob housing (22) for receiving a voice command.
- A processor connected to the microphone and arranged to detect and recognize the received voice command, wherein the processor is arranged to generate a control signal associated with the recognized voice command. (PDA transmits voice information collected from microphone 46 to computer 38 to be translated into a control command (Col 3, lines 19-25). Additionally, it is well known that PDA's have local processors).

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- A transmitter (74) responsive to the processor for transmitting the control signal to a receiver unit (72 or 76) to control operation of at least one device (60, 68, 70).

In reference to claim 2, Chutorash teaches that the processor comprises a microprocessor programmed to recognize a received voice command and generate an associated control signal. (Col 3, lines 19-25, computer is programmed through software to enable the voice recognition).

In reference to claim 3, Chutorash teaches that memory is connected to the processor for storing a table of key words, each of which is associated with a selected one of a plurality of control signals. (It is noted that computers have memory for storing programming and data information. In addition PDA contains memory 50 for holding information received from user or computer 38).

In reference to claim 9, claim 1 is taught as above. Chutorash teaches that PDA device can be programmed to control a plurality of devices through the use of voice commands through control signals (Col 3, lines 19-29).

In reference to claim 13, Chutorash teaches claim 13 similar to claim 1 above. In addition, Chutorash teaches that device to be controlled in the vehicle could be door locks and ignition (Col 1, lines 11-18; Col 3, lines 62-65).

In reference to claim 14, claim 13 is taught as above. Chutorash teaches of receiving a voice command associated with controlling operation of at least one device in addition to the vehicle lock (Col 3, lines 25-28 teach of additional devices to be controlled) and generating a control signal associated with the received keyword and

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transmitting the control signal to control operation of the device (Col 3, lines 19-25, computer is programmed through software to enable the voice recognition).

In reference to claim 18, Chutorash teaches of a microphone attached to the housing of the PDA and it is noted that PDA's contain processors of which Chutorash describes as having voice recognition software available to generate control signals associated with a voice command. Claim 18 is also taught similar to claim 1.

Thus Chutorash teaches all the limitations of claims 1-3, 9,13, 14, and 18.

***Claim Rejections - 35 USC § 103***

Claims 4-8, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chutorash in view of Namba et al. (heretofore Namba).

In reference to claim 4, Chutorash teaches of using a PDA in conjunction with computer to perform voice recognition. Chutorash does not teach of how to learn new key words or store the learned key word in a table of associations with selected control signals. Namba suggests the use of voice recognition section (14,15,16) for use with a PDA (9) to associate control signals (11) with learned key words (10). It is felt that storing data in place of data already stored would be an obvious extension of many programmable systems including the invention disclosed in applicant's specification, in that without the ability to erase or re-write memory locations that such a system would eventually be rendered inoperable because of the lack of adaptability.

It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Chutorash with the suggestions of Namba because Chutorash teaches of using voice commands through a PDA to control access to a vehicle and Namba teaches of a specific voice recognition system implementation in order to control other devices. In addition, Chutorash suggests that voice recognition software be used with his invention (Col 3, lines 19-25).

In reference to claim 5, claim 3 is taught as above. Chutorash does not teach of the processor learning new key words, or storing the learned key word in the table in associations with a selected control signal. Namba suggests that voice recognition section (1) be arranged to information processing means (123) to learn/recognize a new keyword and store in the instruction information table (10) along with associating a selected control signal in the control information table (11). Namba suggests the use of a natural language voice recognizer for conversion of voice commands to syntax commands (Col 3, lines 4-14).

In reference to claim 6, claim 1 is taught as above. Claim 6 is taught similar to claim 5 above.

In reference to claim 7, claim 6 is taught as above. Chutorash does not teach of a programming switch located on the housing for initiating a learning mode for the processor. Namba suggests using a touch panel section (2) and a keyboard section (3) as inputs to the recognition result selecting section. It would have been obvious to one skilled in the art at the time of invention to include on the PDA a push button or stylus for indicating to the processor that learning mode should be entered.



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In reference to claim 8, claim 1 is taught as above. Chutorash does not teach that the processor is arranged to learn different authorized voice signatures. Namba suggests that recognition results be stored in a storage unit (Col 4, lines 10-15). It is clear that Namba's invention can have multiple users, each defined by recognition results that are stored in a table (10) of result values.

In reference to claim 19, claim 18 is taught as above. Claim 19 is taught similar to claim 5 above.

In reference to claim 20, claim 19 is taught as above. Claim 20 is taught similar to claim 5

Thus, Chutorash and Namba teach all the limitations of claims 4-8, 19, and 20.

Claims 10-12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chutorash in view of Kikinis et al. (heretofore Kikinis).

In reference to claim 10, claim 9 is taught as above. Chutorash teaches of remote keyless entry systems controlled by vehicles computer (Col 1, lines 17-19). Chutorash does not teach of controlling a garage door opener. Kikinis suggests the use of a PDA having enhanced host communication by which a garage door can be controlled through the use of the RF communications port (Col 16, lines 2-6).

In reference to claim 11, claim 9 is taught as above. Kikinis suggests controlling a garage doors, which are well known in the art to be attached to lighting systems that turn on during operation of the garage door and remain on for a period of time and often have the ability to turn the lights on without operation of the door. Thus, it would have

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been obvious and within the scope of Kilinis's invention to have the ability to control the lighting operation of the garage door opener either through opening the door or operating the lighting function.

In reference to claim 12, claim 9 is taught as above. Kikinis suggest controlling a security system (Col 16, lines 2-6).

In reference to claim 15, claim 14 is taught as above. Claim 15 is taught similar to claim 10 above.

In reference to claim 16, claim 14 is taught as above. Claim 16 is taught similar to claim 11 above.

In reference to claim 17, claim 14 is taught as above. Claim 17 is taught similar to claim 12 above.

It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Chutorash with the suggestions of Kikinis because Chutorash teaches of using a PDA as functional unit in a car security system and Kikinis suggests using a PDA for enhanced host communication. Both system share similarities in development platform and in remote entry and security, and Kikinis suggests that his device be used for communicating with an array of conventional appliances for remote control (Col 15, lines 60-65).

Thus, Chutorash and Kikinis teach all the limitations of claims 10-12, and 15-17.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas L Linnenkamp whose telephone number is (703) 305-8701. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NLL

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